

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK ANTHONY YORK, III,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 3:21-CV-5568-DWC

ORDER GRANTING MOTION FOR
ATTORNEY'S FEES

Currently pending before the Court is Plaintiff's Unopposed Motion for EAJA Fees. Dkt. 19. Plaintiff requests fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"). Based on the EAJA, attorney time itemization and the relevant record, the Motion (Dkt. 19) is granted.

The Court orders an EAJA Award in the amount of EAJA attorney's fees of \$ 7,156.02 be awarded to Plaintiff. *Astrue v. Ratliff*, 560 U.S. 586, 591–97 (2010); *see also* 28 U.S.C. § 1920; 31 U.S.C. § 1304(a). Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to

1 Plaintiff and not to Plaintiff's attorney. If, after receiving this Order, the Commissioner (1)
2 determines that Plaintiff has assigned his right to EAJA fees to his attorney; (2) determines that
3 Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3)
4 agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made
5 payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset
6 Program, the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but
7 delivered to Lisa Rene Lang, Plaintiff's attorney.

8 Dated this 6th day of May, 2022.

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11 David W. Christel
12 United States Magistrate Judge
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